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Chairman Tom Wheeler
Commissioners Clyburn, Rosenworcel, Pai and O’Rielly
Federal Communications Commission
Washington, DC, 20054

MB Docket No. 16-161

Dear Chairman Wheeler and Commissioners:

We respectfully urge the Commission to continue to require broadcast stations to retain a public inspection file containing the written comments and suggestions from the viewing and listening audience members, pursuant to Section 73.3526(e)(9). We believe these items should be available for the public in the traditional method of access (i.e., viewing them in the station offices); however, we have no objection to also requiring stations to make them available online. We object to making them available only electronically (online).

Our suggestion is in recognition that these stations operate in the public interest, necessity and convenience. Several arguments point to exclusive use of online platforms for access to public comments and suggestions. However, these suggestions ignore an important reality of America today i.e. a significant number of Americans still do not have access to online services and a significant number of those who do have no access to broadband. Recent data from United States Census and the Pew Research Center note that over 10% of Americans do not have online services at home and the data for those 65 years and older is grim with over 30% having no access. More than 35% of those who earn income less than \$25,000 do not have access. The FCC’s own 2016 broadband progress report states that 34 million Americans lack access to broadband service .

An exclusive use of online platforms, therefore, will cut off a large number of Americans from access to comments regarding stations that are expected to serve the “public interest.”

Commissioner O’Rielly and his supporters argue that no one uses the files (i.e., the public has not sought out this information) and that the concept is obsolete and should be updated, i.e., abandoned. However, the underlying principle of transparency in public reactions to station performance has not grown obsolete – these stations operate in the public interest, necessity and convenience. The public, therefore, is entitled to have access to station files with respect to public comment, if and when knowledge of audience written remarks about stations is deemed important to know. Such access should be through traditional walk-in, as well as perhaps online (though the second of these is laborious and we do not insist on this).

There may come a time in any given community when members of the public need or want to see what is being said about a station’s performance.

Moreover, we urge the Commission to strengthen the requirement for all stations to make listeners and viewers aware that they are entitled to view such records, and that records will be made available on request. Most Americans do not presently know that these records exist or that they have access to them, the major cause of the files’ under-use.

The Commission should not deny such access in the future simply because such a community has not sought, in the past, to examine the files. Good rulemaking requires that ability to access such files must be maintained under law, and that law is a good one that serves the public interest. The fact that a significant part of the public currently does not have access to the Internet should instruct the FCC to ensure that their rights to access such files and, again, that the public be made aware they are available.

Public interest does not and should not exclude the interest of anyone, particularly the low income, less educated or minorities who currently do not have access to online platforms, from full access to station comments received from the public. These individuals, too, have an interest in station performance.

In addition, there is always the concern about what happens if technology fails, make it essential to have walk-in access to records in these instances, in addition to any online access.

As researchers and teachers, we emphasize that maintaining open records of comments at stations facilitates our ability to conduct investigations and to teach students how to locate and use information contained in public comments to stations.

We do share Commissioner Clyburn’s concern about privacy issues regarding letters and emails as regards the letter writers and urge the Commission to adopt measures that would ask stations to protect such information.

Again, we urge Commissioners 1) to retain correspondence files for public viewing as such provision presently exists 2) to require stations to inform the public that they have access to such

files, and 3) to require stations to protect the privacy of individuals who submit comments through both regular and electronic mail.

Thank you for your attention to our concern and comment.

Sincerely,

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